



CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

December 16, 2003
Date


Shelley P.M. Fussey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Hills *et al.*

Serial No.: 09/856,400

Filed: May 22, 2001

For: Anti-Asthmatic Combinations Comprising
Surface Active Phospholipids

Group Art Unit: 1616

Examiner: M. Haghghatian

Atty. Dkt. No.: 4040:000300

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT,
§ 1.97(e)(1) CERTIFICATION AND REQUEST FOR CONSIDERATION**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that the present Supplemental Information Disclosure Statement be entered and the documents listed on the enclosed Form PTO-1449 be considered by the Examiner and made of record in the present case. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

12/22/2003 MDANTE1 00000123 09856400

03 FC:1806

180.00 0P

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

A final Official Action reflecting examination on the merits has been received in the present application. However, this Supplemental Information Disclosure Statement is properly enterable under 37 C.F.R. § 1.97(d) as it is submitted before payment of the issue fee and with the following statement.

In accordance with 37 C.F.R. § 1.97(e)(1), it is hereby certified that each item of information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present Supplemental Information Disclosure Statement. This is evidenced by the enclosed Communication of a Notice of Opposition mailed from the European Patent Office (EPO) on September 23, 2003. The Opposition pertains to European Patent No. EP 1 082 108, granted from PCT/GB98/03543, to which the present application claims priority.

The Opposition Brief cites five documents (D1-D5). The four documents new to the record are the subject of the present Supplemental Information Disclosure Statement. Document D5 in the Opposition Brief has already been made of record in the present application as IDS Ref. No. B7.

The present Supplemental Information Disclosure Statement is being submitted within three months of the mailing of the Notice from the EPO (September 23, 2003). Although not necessary under the rules, the present Supplemental Information Disclosure Statement is also

being mailed within three months of the submission of the Opposition Brief to the EPO, which is dated September 16, 2003 (copy enclosed).

As Applicants have complied with all aspects of 37 C.F.R. §§ 1.97 and 1.98, including 37 C.F.R. § 1.97(d), § 1.97(e)(1) and § 1.17(p), Applicants respectfully request entry and consideration of the present Supplemental Information Disclosure Statement and cited documents. Applicants therefore respectfully request timely return of the enclosed Form PTO-1449 initialed by the Examiner to show entry and consideration of the listed documents. In the alternative, should the Office decide to enter any rejection(s) under any sub-section of 35 U.S.C. § 102 or § 103 using one or more of the listed documents, Applicants respectfully request an early indication to this effect in the form of a non-final Official Action.

The fee under 37 C.F.R. §§ 1.97(d) and 1.17(p) is enclosed. Should the check be inadvertently omitted or insufficient, the Commissioner is hereby authorized to deduct any additional fees that may be required from Applicants' representatives' deposit account No. 50-0786/4040.000300.

Respectfully submitted,
Williams, Morgan & Amerson
Customer No. 23720



Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458
Agent for Applicants

10333 Richmond, Suite 1100
Houston, Texas, 77042
(713) 934-4079

Date: December 16, 2003

Form PTO-1449 (modified)

Atty. Docket No.
4040.0004300Serial No.
09/856,400

List of Patents and Publications for Applicant's

Applicant
Hills, *et al.*

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:
May 22, 2001Group:
1616U.S. Patent Documents
*See Page 1*Foreign Patent Documents
*See Page 1*Other Art
See Page

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A3	5,698,537	December 16, 1997	Pruss	514	78	

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B12	WO 99/00134	January 07, 1999	PCT			
	B13	WO 87/05803	October 08, 1987	PCT			
	B14	0 260 241 A1	March 16, 1988	EP			

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

